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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/821,536 | 03/28/2001 | Shmuel Shaffer | 062891.0502 | 4715 |

7590 11/16/2005
Terry J. Stalford
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EXAMINER

NGUYEN, BRIAN D

ART UNIT PAPER NUMBER

2661

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/821,536 | Applicant(s) SHAFFER ET AL. | |
| | Examiner Brian D. Nguyen | Art Unit 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 34-37 is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 12-16, 18, 23-27, 29 and 34-47 is/are rejected.
- 7) ☒ Claim(s) 6, 8-11, 17, 19-22, 28 and 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 38-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 38, line 8, “storing the voice samples in disparate error logs” is unclear because it is not known which voice samples mentioned in lines 5 and 7 the applicant is referring to and where the disparate error logs are located because the voice samples are collected at both the endpoint and the network node.

Claim 41, line 6, “storing the system parameters in the error logs” is unclear for the same reason described in claim 38.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-3, 12-14, 23-25, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Haimi-Cohen (6,233,320).

Regarding claims 1, 12, 23, and 38, Haimi-Cohen discloses a method for logging (recording) voice quality issues, comprising: receiving a signal from a user to initiate logging (see activation of a key on a telephone keypad to record a conversation in col. 5, lines 58-60) of quality information for a packet switched voice connection at an endpoint (at the telephone) of the voice connection; collecting (recording), in response to the signal (activation signal), voice samples from the voice connection at the endpoint; and storing the voice samples in an error log (recording memory 110) at the endpoint (see col. 6, lines 28-30 where speech samples are stored in the recording memory).

Regarding claims 2, 13, 24, and 39, Haimi-Cohen discloses maintaining the error log at the endpoint (the recording memory is located at the wireless telephone, see figure 4).

Regarding claims 3, 14, 25, and 40, Haimi-Cohen discloses the signal comprises a locally initiated signal (the telephone user initiated the recording activation).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5, 7, 15-16, 18, 26-27, 29, 41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haimi-Cohen in view of Sand (6,512,746).

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Regarding claims 4-5, 7, 15-16, 18, 26-27, 29, 41, and 43, Haimi-Cohen does not specifically disclose collecting system parameters indicative of quality of the voice connection. However, collecting quality parameters is well known in the art. Sand discloses collecting system parameters indicative of quality of the voice connection at the endpoint (col. 6, lines 5-10); storing the system parameters in the error log at the endpoint (col. 7, lines 31-34 where the system parameters from col. 6 are used in the creation of the log file and therefore are inherently stored in the log file); and collecting system parameters indicative of quality of voice connection at the network node (see col. 2, line 67-col. 3, line 2 where Sand teaches that the speech sample may be collected respectively at a far end IP interface point and a near end IP interface point. Note that one interface point can be considered the endpoint and the other interface point can be considered the network node). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect the system parameters at different interface points as taught by Sand in the system of Haimi-Cohen in order to determine the exact location that caused the network degradation.

Allowable Subject Matter

7. Claims 34-37 are allowed.
8. Claims 6, 8-11, 17, 19-22, 28, and 30-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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9. Claims 42 and 44-47 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

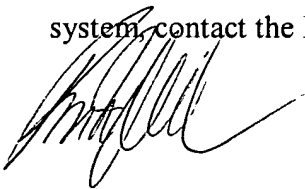
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hardy (6,246,978) and Kashiwagi (2002/0012422).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D. Nguyen whose telephone number is (571) 272-3084. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11/9/05

**BRIAN NGUYEN
PRIMARY EXAMINER**